

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MAY 26 2010 *ddh*

MATTHEW J. DYKMAN
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RANDY BRANCH,

Defendant.

CRIMINAL NO. *10-1562*

Counts 1-14: 21 U.S.C. § 843(a)(3):
Acquiring or Obtaining a Controlled
Substance by Misrepresentation,
Fraud, Forgery, Deception or
Subterfuge;

Counts 15 and 16: 18 U.S.C. § 1347:
Health Care Fraud;

Count 17: 18 U.S.C. §§ 922(g)(3)
and 924(a)(2): Unlawful User of a
Controlled Substance in Possession
of a Firearm;

Count 18: 18 U.S.C. § 1028A(a)(1):
Aggravated Identity Theft;

Count 19: 18 U.S.C. § 1028(a)(7):
Identity Theft

INDICTMENT

The Grand Jury charges:

Count 1

On or about September 24, 2009, in Rio Arriba County, in the District of New Mexico, the defendant, **RANDY BRANCH**, caused to be submitted to a retail pharmacy a forged and fraudulent prescription for 120 tablets of hydrocodone, 10 milligram strength, a schedule II controlled substance, and did thereby knowingly and intentionally acquire and obtain possession of the controlled substance hydrocodone by material misrepresentation, fraud, forgery, deception and subterfuge.

In violation of 21 U.S.C. § 843(a)(3).

Count 2

On or about September 24, 2009, in Rio Arriba County, in the District of New Mexico, the defendant, **RANDY BRANCH**, caused to be submitted to a retail pharmacy a forged and fraudulent prescription for 180 tablets of hydrocodone, 10 milligram strength, a schedule II controlled substance, and did thereby knowingly and intentionally acquire and obtain possession of the controlled substance hydrocodone by material misrepresentation, fraud, forgery, deception and subterfuge.

In violation of 21 U.S.C. § 843(a)(3).

Count 3

On or about October 5, 2009, in Rio Arriba County, in the District of New Mexico, the defendant, **RANDY BRANCH**, caused to be submitted to a retail pharmacy a forged and fraudulent prescription for 90 tablets of oxycodone hydrochloride, 80 milligram strength, a schedule II controlled substance, and did thereby knowingly and intentionally acquire and obtain possession of the controlled substance oxycodone hydrochloride by material misrepresentation, fraud, forgery, deception and subterfuge.

In violation of 21 U.S.C. § 843(a)(3).

Count 4

On or about October 7, 2009, in Rio Arriba County, in the District of New Mexico, the defendant, **RANDY BRANCH**, caused to be submitted to a retail pharmacy a forged and fraudulent prescription for 180 tablets of hydrocodone, 10 milligram strength, a schedule II controlled substance, and did thereby knowingly and intentionally acquire and obtain possession of the controlled substance hydrocodone by material misrepresentation, fraud, forgery, deception and subterfuge.

In violation of 21 U.S.C. § 843(a)(3).

Count 5

On or about November 10, 2009, in Santa Fe County, in the District of New Mexico, the defendant, **RANDY BRANCH**, caused to be submitted to a retail pharmacy a forged and fraudulent prescription for 60 tablets of dextromethamphetamine, 20 milligram strength, a schedule II controlled substance, and did thereby knowingly and intentionally acquire and obtain possession of the controlled substance dextromethamphetamine by material misrepresentation, fraud, forgery, deception and subterfuge.

In violation of 21 U.S.C. § 843(a)(3).

Count 6

On or about November 10, 2009, in Santa Fe County, in the District of New Mexico, the defendant, **RANDY BRANCH**, caused to be submitted to a retail pharmacy a forged and fraudulent prescription for 120 tablets of hydrocodone, 10 milligram strength, a schedule II controlled substance, and did thereby knowingly and intentionally acquire and obtain possession of the controlled substance hydrocodone by material misrepresentation, fraud, forgery, deception and subterfuge.

In violation of 21 U.S.C. § 843(a)(3).

Count 7

On or about November 30, 2009, in Santa Fe County, in the District of New Mexico, the defendant, **RANDY BRANCH**, caused to be submitted to a retail pharmacy a forged and fraudulent prescription for 120 tablets of oxycodone hydrochloride, 10 milligram strength, a schedule II controlled substance, and did thereby knowingly and intentionally acquire and obtain possession of the controlled substance oxycodone hydrochloride by material misrepresentation, fraud, forgery, deception and subterfuge.

In violation of 21 U.S.C. § 843(a)(3).

Count 8

On or about November 30, 2009, in Santa Fe County, in the District of New Mexico, the defendant, **RANDY BRANCH**, caused to be submitted to a retail pharmacy a forged and fraudulent prescription for 180 tablets of hydrocodone, 10 milligram strength, a schedule II controlled substance, and did thereby knowingly and intentionally acquire and obtain possession of the controlled substance hydrocodone by material misrepresentation, fraud, forgery, deception and subterfuge.

In violation of 21 U.S.C. § 843(a)(3).

Count 9

On or about December 2, 2009, in Santa Fe County, in the District of New Mexico, the defendant, **RANDY BRANCH**, caused to be submitted to a retail pharmacy a forged and fraudulent prescription for 90 tablets of oxycodone hydrochloride, 60 milligram strength, a schedule II controlled substance, and did thereby knowingly and intentionally acquire and obtain possession of the controlled substance oxycodone hydrochloride by material misrepresentation, fraud, forgery, deception and subterfuge.

In violation of 21 U.S.C. § 843(a)(3).

Count 10

On or about December 7, 2009, in Rio Arriba County, in the District of New Mexico, the defendant, **RANDY BRANCH**, caused to be submitted to a retail pharmacy a forged and fraudulent prescription for 90 tablets of oxycodone hydrochloride, 80 milligram strength, a schedule II controlled substance, and did thereby knowingly and intentionally acquire and obtain possession of the controlled substance oxycodone hydrochloride by material misrepresentation, fraud, forgery, deception and subterfuge.

In violation of 21 U.S.C. § 843(a)(3).

Count 11

On or about December 27, 2009, in Rio Arriba County, in the District of New Mexico, the defendant, **RANDY BRANCH**, caused to be submitted to a retail pharmacy a forged and fraudulent prescription for 90 tablets of oxycodone hydrochloride, 80 milligram strength, a schedule II controlled substance, and did thereby knowingly and intentionally acquire and obtain possession of the controlled substance oxycodone hydrochloride by material misrepresentation, fraud, forgery, deception and subterfuge.

In violation of 21 U.S.C. § 843(a)(3).

Count 12

On or about December 28, 2009, in Santa Fe County, in the District of New Mexico, the defendant, **RANDY BRANCH**, caused to be submitted to a retail pharmacy a forged and fraudulent prescription for 120 tablets of hydrocodone, 10 milligram strength, a schedule II controlled substance, and did thereby knowingly and intentionally acquire and obtain possession of the controlled substance hydrocodone by material misrepresentation, fraud, forgery, deception and subterfuge.

In violation of 21 U.S.C. § 843(a)(3).

Count 13

On or about December 28, 2009, in Santa Fe County, in the District of New Mexico, the defendant, **RANDY BRANCH**, caused to be submitted to a retail pharmacy a forged and fraudulent prescription for 90 tablets of oxycodone hydrochloride, 60 milligram strength, a schedule II controlled substance, and did thereby knowingly and intentionally acquire and obtain possession of the controlled substance oxycodone hydrochloride by material misrepresentation, fraud, forgery, deception and subterfuge.

In violation of 21 U.S.C. § 843(a)(3).

Count 14

On or about December 28, 2009, in Santa Fe County, in the District of New Mexico, the defendant, **RANDY BRANCH**, caused to be submitted to a retail pharmacy a forged and fraudulent prescription for 180 tablets of oxycodone hydrochloride, 10 milligram strength, a schedule II controlled substance, and did thereby knowingly and intentionally acquire and obtain possession of the controlled substance oxycodone hydrochloride by material misrepresentation, fraud, forgery, deception and subterfuge.

In violation of 21 U.S.C. § 843(a)(3).

Count 15

On or about December 7, 2009, in Rio Arriba County in the District of New Mexico, the defendant, **RANDY BRANCH**, executed and attempted to execute a scheme and artifice to defraud a health care benefit program, the name of such program being presently unknown to the Grand Jury, into paying for controlled substances that defendant RANDY BRANCH was obtaining by material fraud, forgery, deception and subterfuge.

In violation of 18 U.S.C. § 1347.

Count 16

On or about December 27, 2009, in Rio Arriba County, in the District of New Mexico, the defendant, **RANDY BRANCH**, executed and attempted to execute a scheme and artifice to defraud Medicare, a health care benefit program, into paying for controlled substances that defendant RANDY BRANCH was obtaining by material fraud, forgery, deception and subterfuge.

In violation of 18 U.S.C. § 1347.

Count 17

On or about February 18, 2010 in Rio Arriba County, in the District of New Mexico, the defendant, **RANDY BRANCH**, being an unlawful user of and addicted to a

controlled substance, knowingly possessed in and affecting interstate commerce, firearms, a .40 caliber Hi Point handgun, serial number 755920, a Saiga 7.62 SKS rifle, serial number H04106279, a Stevens Model 62 .22 caliber rifle, serial number 0882534, and a Remington 870 Shotgun, serial number A968147M.

In violation of 18 U.S.C. §§ 922(g)(3) and 924(a)(2).

Count 18

On or about November 30, 2009 in Santa Fe County, in the District of New Mexico, the defendant, **RANDY BRANCH**, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c)(4); to wit: Title 18 United States Code, Section 1001, False Statements, did knowingly use and possess, without lawful authority, a means of identification of another person.

In violation of 18 U.S.C. § 1028A(a)(1).

Count 19

On or about November 10, 2009 in Santa Fe County, in the District of New Mexico, the defendant, **RANDY BRANCH**, did knowingly use and possess, without lawful authority and in a manner that affected interstate commerce, a means of identification of another person, with the intent to commit and in connection with, a violation of federal law, to wit: Title 21, United States Code, Section 843(a)(3), obtaining controlled substances by fraud.

In violation of 18 U.S.C. § 1028(a)(7).

A TRUE BILL:

/s/

FOREPERSON OF THE GRAND JURY

Assistant United States Attorney

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